

# CITY OF HAYWARD AGENDA REPORT

Meeting Date 12/19/02 Agenda Item 2

TO:

**Planning Commission** 

FROM:

Tim R. Koonze, Assistant Planner

**SUBJECT:** 

Tentative Parcel Map 7796 - Larry Elpert (Applicant/Owner) - Request to

Subdivide a 1± Acre Parcel into Two Single-Family Parcels - The Property is Located at 25273 Campus Drive in an RS (Single-Family Residential) District

#### **RECOMMENDATION:**

Staff recommends that the Planning Commission find that this project is categorically exempt from the provisions of the California Environmental Quality Act and approve Tentative Parcel Map 7796 subject to the attached findings and conditions of approval.

#### **DISCUSSION:**

The proposed two-lot subdivision is located at the lower curve of Campus Drive near the Oakes Drive intersection. Ward Creek runs along the north and west property lines. On April 3, 1996, a fire destroyed a house on the property that abutted the top of bank along the west property line. The City issued a building permit for a replacement structure. However, after drilling the foundation piers, the owner asked the City to cancel the permit.

The property is constrained with steep slopes on much of the perimeter that restrict the parcel from accommodating anything more than two single-family homes. The Zoning Ordinance allows the construction of two homes on this parcel; however, approval of a two-lot subdivision would allow each home to be sold separately.

The proposed dwellings will share a common driveway that accesses Campus Drive through an adjacent parcel owned by the Hayward Area Recreational Parks District (HARD). The parcel is used as a rest area for pedestrians and horses using the Greenbelt Hiking and Riding Trail that runs along Ward Creek. An ingress and egress easement for the driveway has already been obtained from HARD.

A condition of approval will require the parcel map to include a conservation easement over the creek and extending into the property 20 feet beyond the existing creek bank. All construction will be prohibited within the easement ensuring the protection of the trees and riparian vegetation along Ward Creek. This non-buildable area is consistent to existing setback regulations established by Alameda County Flood Control.

A significant 18-inch live oak tree is located on Parcel 2. A condition of approval will require that a covenant be recorded to ensure preservation of this tree. The future dwelling for Parcel 2 will have to be designed and constructed outside the drip line of the oak tree. If any work must be done within the drip line it will be done under the supervision of a registered arborist.

### **Conformance to City Regulations**

The site is designated as Open Space – Parks and Recreation on the *General Plan Map*, and the *Zoning Ordinance* designates this site as a Single-Family Residential (RS) District. The RS District was determined to be consistent with the Open Space designation because of compatibility with other uses, overall densities in the area, and the particular need to be served.

The uses and zoning surrounding the triangular-shaped property are residential in nature: a church to the northeast, the HARD rest area and undeveloped single-family parcels to the south, and the northwest. The surrounding properties vary in size from 11,000± to 43500±-square-feet. The property has been used as a residential parcel for a number of years and staff sees no inconsistency in continuing the residential use. The parcels created by the subdivision are 17,500± and 21,800±-square-feet in size, which are well in excess of the minimum 5,000-square-foot lot size and are consistent with the surrounding neighborhood. The parcels created are irregular in shape but both provide an adequate area to construct a single-family home without the need of variances.

The property is within the influence of the Hayward Highlands Neighborhood Plan which has policies and strategies which refer to retaining the single-family character of the Hayward Highlands area by allowing only appropriate residential infill development which is consistent in size, scale and appearance with existing residential structures, and encourage owner occupied housing. The neighborhood plan policies also promote development that respects the existing semi-rural character, and natural features including steeply sloped hillsides, creeks and riparian corridors, significant trees and rock outcroppings

The proposed single-family parcels are similar in size and use to surrounding parcels. Natural encumbrances of the property such as creek banks, slopes and vegetation limit development of the property to two single-family homes while creating a spacious semi-rural appearance. Conditions of approval will preserve the creek, its banks and its vegetation and the 18-inch oak tree on Parcel 2.

### **Streets and Utilities**

Campus Drive is a 60-foot-wide partially improved roadway. A condition of approval will require that the owner enter into a deferred street improvement agreement to install frontage improvements across the property frontage at a later date upon the request of the City.

There are water, sewer, and storm drain facilities nearby of adequate capacity to serve the project. Each home will have individual water meters and sanitary sewer laterals. The lots and future dwellings will drain into the adjacent creeks. Drainage shall be reviewed as part of the building permit. The drainage system shall be designed to be sensitive to the creek, its banks, and the surrounding vegetation. The drainage volume and its impacts will be minimized through innovative designs such as energy dissipaters, earth swales, pervious surfaces for driveways and patios, and similar engineering designs.

#### **ENVIRONMENTAL REVIEW:**

The project is exempt from environmental review as defined by the California Environmental Quality Act (CEQA) Guidelines Section 15315, Class 15, *Minor Land Divisions*.

### PUBLIC HEARING NOTICE AND NEIGHBORHOOD CONCERNS:

A notice was mailed to all property owners within 300 feet of the subject property and to all interested parties regarding a preliminary meeting held on August 29, 2002. One citizen attended and later submitted a letter addressing unease about the access driveway and traffic safety on Campus Drive and environmental concerns relating to Ward Creek (see attached Exhibit E). Staff received another letter expressing similar concerns from Shari Raymond dated September 16, 2002 (see attached Exhibit F). A third letter, dated August 23, 2002 was received from a nearby property owner supporting the subdivision (see attached Exhibit G). These citizens were included in the Planning Commission public hearing notices sent to all owners and tenants within 300 feet of the property; a meeting notice was published in the local newspaper on December 3, 2002.

The Engineering-Transportation Division determined that the two homes would produce approximately one new trip in the morning and one new trip in the evening that would not have a significant impact on Campus Drive traffic. They reported that there have been no mid-block collisions on Campus Drive between Oakes Drive and University Court in the last 5 years and there have been no reported collisions related to the existing driveway that serves the site.

In addition to the traffic safety and creek preservation concerns expressed in Shari Raymonds's letter dated September 16, 2002, reference was made to a proposed joint study between the City, Alameda County and the Hayward Area Parks District (HARD) that will analyze various Ward Creek issues such as drainage, view preservation, slide potential, fire access and noise. Although these agencies have expressed interest in pursuing a joint project, no formal actions or studies have begun and no guidelines have been established with the exception of Alameda County Flood Control's existing requirement to have structures setback 20-feet from the top of bank. Any construction to be done within the proposed subdivision will be required to meet this 20-foot set back. It is staff's opinion that the proposed parcels are large enough to grant protection of the creek and still maintain an adequate building area.

The letter from the adjoining property owner, dated August 20, 2002, supports the subdivision stating that it would upgrade the neighborhood. The letter states that the proposed parcels are similar in size to the surrounding neighborhood.

### **CONCLUSION:**

The project is consistent with the General Plan, the Hayward Highlands Neighborhood Plan, and the Zoning Ordinance requirements of the Single-Family Residential Density (RS) District. Required easements and covenants will protect the creeks and its riparian vegetation, as well as any significant on-site trees. The proposed parcels are consistent in size with the other parcels in the neighborhood. Approval of the subdivision will allow construction of two single-family homes that can be individually sold, which is consistent with the City goal to create ownership housing opportunities.

Prepared by:

im R. Koonge Tim R. Koonze

Assistant Planner

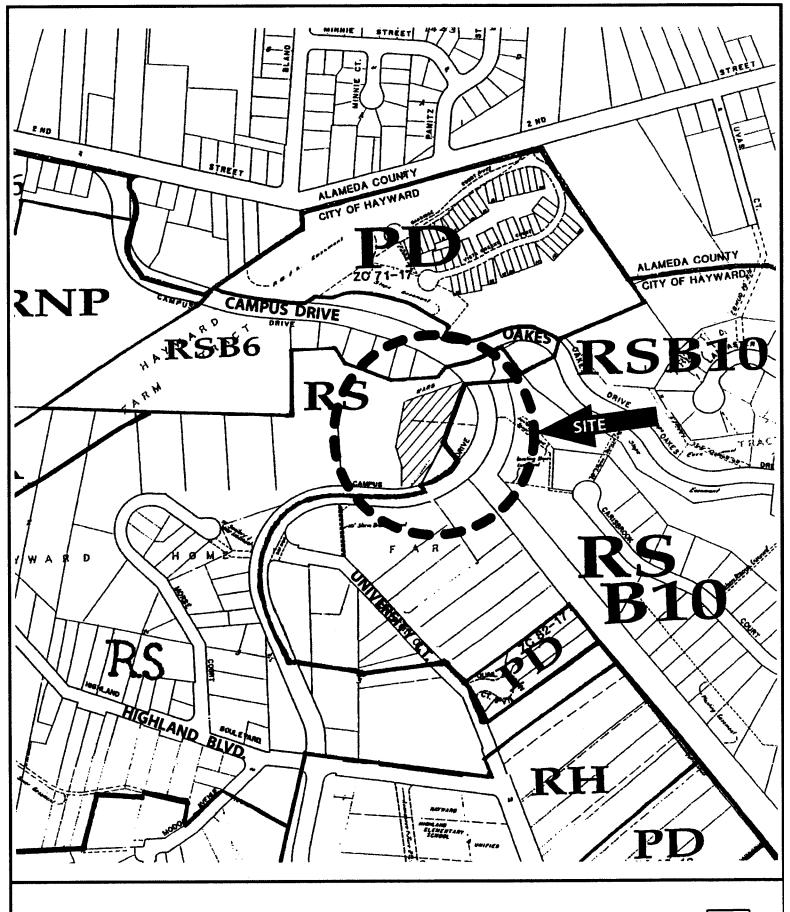
Recommended by:

Dyana Anderly, AICP

Planning Manager

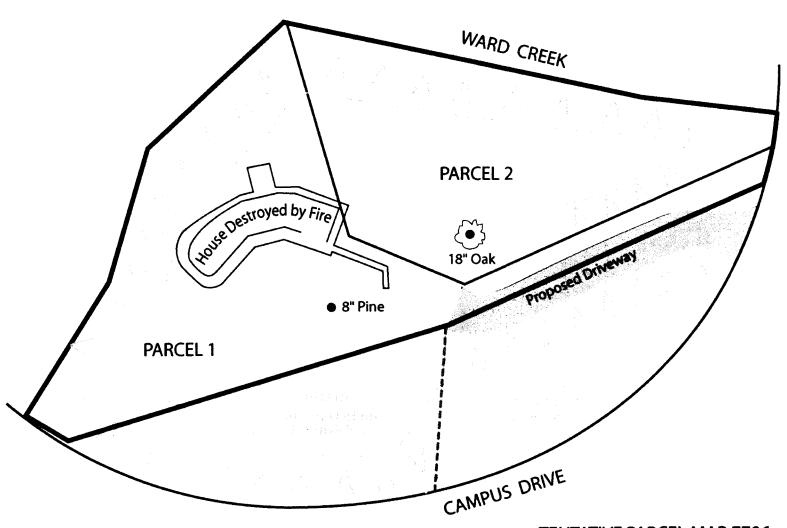
### Attachments:

- A. Area and Zoning Map
- B. Site Plan
- C. Findings for Approval Tentative Parcel Map 7796
- D. Conditions of Approval Tentative Parcel Map 7796
- E. University Court Neighborhood Association Letter
- F. The Ward Creek Greenbelt Project Letter
- G. Support Letter Dated August 20, 2002 Tentative Parcel Map 7796



**TENTATIVE PARCEL MAP 7796** 





**TENTATIVE PARCEL MAP 7796** 

### FINDINGS FOR APPROVAL TENTATIVE PARCEL MAP 7796

- A. The development takes into consideration physical and environmental constraints in that approval of Tentative Parcel Map 7796, and as conditioned, will have no significant impact on the environment, cumulative or otherwise, the project reflects the City's independent judgment, the project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15304, Class15 *Minor Land Divisions*.
- B. The tentative parcel map, as conditioned, substantially conforms to the State Subdivision Map Act, the City's Subdivision Regulations, the General Policies Plan, and the Hayward Highland Neighborhood Plan.
- C. The site is physically suitable for the proposed type of development.
- D. Existing streets and utilities are adequate to serve the project.
- E. None of the findings set forth in Section 64474 of the Subdivision Map Act<sup>1</sup> have been made, and the approval of the tentative parcel map is granted subject to the recommended conditions of approval.
- F. Establishment of a conservation easement over Ward Creek will preserve the creek, it's banks and the riparian vegetation.
- G. Recordation of an on-site tree preservation covenant will preserve the 18-inch oak tree on Parcel 2.

- (a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.
- (b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
- (c) That the site is not physically suitable for the type of development.
- (d) That the site is not physically suitable for the proposed density of development.
- (e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- (f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.
- (g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property with the proposed subdivision.

 $<sup>^{1}</sup>$  The findings of Section 66474 set forth the grounds for denial of a tentative map which are as follows:

# CONDITIONS OF APPROVAL PARCEL MAP 7796 25278 Campus Drive

# Prior to Filing of a Parcel Map:

- 1. The property owner shall enter into a Deferred Street Improvement Agreement to defer the installment of street improvements across the Campus Drive property frontage. The design shall be approved by the City Engineer. Installation shall occur at the time the proposed homes are constructed.
- 2. The parcel map shall indicate a conservation easement over the portion of Ward Creek abutting the property and extending into the property 20 feet beyond the existing creek bank as shown on the approved tentative map. All construction will be prohibited within the easement to ensure the protection of the trees and riparian vegetation.
- 3. A covenant shall be recorded to preserve the 18-inch live oak tree on Parcel 2. The future dwelling for Parcel 2 will have to be designed and constructed outside the drip line of the oak tree. If any work must be done within the drip line it will be done under the supervision of a registered arborist.

## Prior to Occupancy for Each of the Proposed Dwelling Units:

- 4. A fire truck turnaround shall be provided that meets the approval of the Fire Marshall.
- 5. The drainage plan for future dwellings shall incorporate a design that minimizes the volume and impacts of the storm water run-off through innovative designs such as energy dissipaters, earth swales, pervious surfaces for driveways and patios, and similar engineering designs. The drainage plan shall be approved by the Planning Director and if needed, the Alameda County Flood Control and Water Conservation District.
- 6. Street improvements shall be installed across the property frontage per Condition No. 1 above. Improvements shall be installed to the satisfaction of the City Engineer.

## UNIVERSITY COURT NEIGHBORHOOD ASSOCIATION 25561 University Court Hayward, California 94542

Tim Koonze
Department of Community and Economic Development
City of Hayward
777 B Street
Hayward, California

Re: Community concern related to public safety and environmental impact of additional residential development proposed for 25278 Campus Drive.

Dear Tim.

Thank you for our meeting on August 29th related to the above-referenced topic. As always we are sincerely appreciative of your interest in and response to issues affecting our community. Per our meeting in August, our community is concerned regarding the public safety and environmental impacts associated with additional residential development on Campus Drive.

It is our understanding that the landowner of the property at 25278 Campus Drive wishes to exercise existing map rights to develop an additional home site. This is in addition to rebuilding the residence that was destroyed by fire several years ago. If approved, there would be a total of two residences at the site.

The fundamental risk impacting traffic safety on Campus Drive posed by two residences can be conservatively estimated at a total of 20 or more vehicle trips entering and exiting Campus Drive from the site each day. This is based on 5 round-trip vehicle excursions per household per day.

Outlined below are some of the important public safety issues associated with the traffic impact of residences at 25278 Campus Drive:

# [1] Property location - close proximity to other access points:

The property access is located near the bottom of busy Campus Drive. The access is located approximately 40 feet from the intersection of Oakes Drive and Campus Drive; approximately 35 feet from the access to Kingdom Life Church of Hayward and the Wally Wickender trail head, and; approximately 40 feet from the trail head of the south fork of Ward Creek. A pedestrian crosswalk is located near the property access. A bus stop is located across the street.

# [2] Existing risk factors on Campus Drive:

- a. High volume of traffic: 9,800 vehicle daily (4,900 in each direction).1
- b. Road design of Campus Drive: combination of steep grade, blind curves, multiple access points, bus stop and pedestrian crosswalk near Oakes Drive.
- c. Road conditions: very slippery during winter ice and rain conditions. Signs are posted warning drivers of ice conditions during winter months.
- d. Traffic speed in excess of posted speed limit.

<sup>1</sup> Traffic Services - City of Hayward

Tim Koonze September 16, 2002 page 2.

# [3] Projected increase in volume of traffic:

a. Additional 1,200 or more vehicles daily upon final approval and completion of Blue Rock Country Club.2

b. 1,500 vehicles per hour during peak traffic hours by year 2025.3

# [4] High risk accident factors:

Listed below are some of the risk factors associated with traffic attempting to enter and exit the site from Campus Drive:

a. The blind curve just above the site access on Campus Drive severely restricts traffic visibility from both directions. Vegetation along the roadside further restricts visibility.

b. Traffic attempting to enter or exit the site will impact traffic flow on Campus Drive increasing the likelihood of rear-end and other collisions. The road design and conditions increase accident risk as some drivers attempt to pass around traffic attempting to enter or exit the site.

c. Traffic descending Oakes Drive and turning left onto Campus Drive is at extreme risk now. This risk will be substantially increased by traffic attempting to enter and exit the site. This is a result of the limited visibility on Campus Drive above the site and braking distance requirements.

There is a distance of only 40 feet from the intersection of Oakes Drive and Campus Drive and the access to the 25278 Campus Drive. Traffic from Oakes Drive traveling at 35 MPH will require a braking distance of 210 feet to stop in order to avoid collision with vehicles attempting to enter or exit the site.

d. There are unique risk factors related to the change in the number of traffic lanes adjacent to the site access, the bus stop located across the street and the crosswalk located adjacent to the site access.

e. There are additional risks resulting from pedestrian and equestrian activity in the immediate area. This is related to access to the various recreational trails located within close proximity of the site access: North and south forks of Ward Creek and Wally Wickender Trails.

2 Community estimate

<sup>3</sup> Traffic Services - City of Hayward

Tim Koonze September 16, 2002 page 3.

# [5] Risk from vehicles traveling over embankment:

The existing 50 foot guardrail on Campus Drive just above the property is not long enough to provide adequate protection from the risk of vehicles traveling over the embankment onto the site. Winter ice conditions combined with the road design significantly increase this risk resulting in vehicles skidding out of control toward the guardrail. Increasing the length of the guardrail an additional 30 or more feet would mitigate this high risk situation.

# [6] Fire access and impact on Campus Drive:

In the event of another fire at 25278 Campus Drive, the Hayward Fire Department will respond by dispatching two fire engines and one fire truck (standard 911 response).4 Fire engines utilized by Hayward are 24 and 32 feet in length and require turning radiuses of 26 and 60 feet. Fire trucks are 54 and 55 feet in length and require turning radiuses of 23 and 36 feet. Emergency vehicles attempting to respond to fire at this location will impact accident risk on Campus Drive due to factors such as traffic volume and speed, visibility, multiple access points, winter road conditions, lack of turnaround, etc..

# [7] Fire risk to greenbelt:

Due to close proximity to the greenbelt area (within 50 feet), residences on the site significantly contribute toward the risk of greenbelt fire. Due to lack of fire access in the area, the entire canyon greenbelt region from Campus Drive west to Memorial Park is at high risk. There is also the additional risk of fire spreading east into the greenbelt areas along the north and south forks of Ward Creek as well as south toward University Court.

### ENVIRONMENTAL ISSUES: CITY/COUNTY/H.A.R.D. STUDY

The average distance between the proposed additional home site and Ward Creek is about 50 feet. It is our understanding that no additional residential development is to be approved for properties adjacent to Ward Creek until completion of a joint study presently being conducted by the city, county and H.A.R.D. The purpose of this study is to assess the impacts of past and future development on the creek/greenbelt environment in the area.

In conclusion, we are hopeful that the issues briefly discussed in this letter will highlight the need for additional study prior to granting approval of further residential development at 25278 Campus Drive.

# UNIVERSITY COURT NEIGHBORHOOD ASSOCIATION

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### THE WARD CREEK GREENBELT PROJECT 2726 Lancaster Road Hayward, CA 94542

September 16, 2002

Advisory Board:

Sam Cohen
Mark Detterman
Rosanna Falabella
Jerry Feiger
Dennis Pappalardo
Charles Plummer
Terry Preston
Shari Raymond
Bob Raymond
Mike Sweeney
Mathias van Thiel, Ph.D.

Tim Koonze

Department of Community and Economic Development

City of Hayward 777 B Street Hayward, CA

SUBJECT: Comment regarding traffic and environmental impact of

proposed development at 25278 Campus Drive, Hayward.

#### Tim Koonze:

The purpose of this letter is to comment briefly regarding the public safety (traffic) impact on Woodland Estates residents related to residential development proposed for 25278 Campus Drive. Also discussed is the present limitation on development adjacent to the Ward Creek greenbelt until completion of an important environmental study.

### Public safety related to traffic

The issues discussed in the letter submitted to you by the University Court Neighborhood Association represent a realistic overview of the traffic (and environmental) issues resulting from the additional development proposed for 25278 Campus Drive. Given the present traffic conditions on Campus Drive, impact associated with traffic accessing the subject property will clearly and substantially increase public safety risk. As pointed out in the letter, traffic from Woodland Estates proceeding from Oakes Drive toward Cal State University on Campus Drive may be at considerable risk as a result of traffic from the proposed development.

#### Environmental issues and limitation of further development: Ward Creek

The enclosed letter from Mayor Cooper and members of city council was the result of community concern regarding the Ward Creek greenbelt area expressed by residents from Woodland Estates and the East Hills Rural Neighborhood Association. As a result, a consortium was established consisting of representation from the city, county and HARD. This consortium is presently studying the impacts of development on the Ward Creek area prior to approval of additional development. It is our understanding that a "creek preservation" ordinance may result from the study.

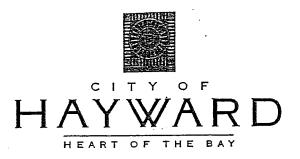
Because the development proposed for 25278 Campus Drive is adjacent to the lower Ward Creek greenbelt area (within fifty feet), it is reasonable to conclude that approval would be subject to delay until the study is completed.

Thank you for the opportunity to comment on this project and it's impact on our community.

Sincerely,

Shari Raymond

Than Baymond



June 4, 2002

Scott Haggerty President, Board of Supervisors 1221 Oak Street, Suite 536 Oakland, CA 94612

Dear Scott:

We are writing today regarding the Paramount Homes development off Second Street on your Thursday, June 6<sup>th</sup> Planning Meeting. Many of us attending a meeting in May with City and County residents who had many questions regarding this development and what the potential for future units is in County controlled land along Ward Creek.

We support a joint study by the County, the City and HARD to review all issues regarding Ward Creek including drainage, views, slide potential, fire access and noise. This study should be done before this development sets a precedent for future proposals.

Sincerely,

Kevin Dowling

Mayor Pro Tempore

latt Jimenez

Conncilmember

Doris Rodriquez

Councilmember

Joseph Hilson Councilmember

Roberta Cooper

Olden Henson Councilmember

cc: All members, Board of Supervisors
Jesus Armas, City Manager
Eric Willard, HARD
Charles Plummer, Lancaster Court
Mike Sweeney & Maria Ochoa, Lancaster Court
Jerry and Myra Feiger, Lancaster Court



June 4, 2002

Scott Haggerty President, Board of Supervisors 1221 Oak Street, Suite 536 Oakland, CA 94612

Dear Scott:

I am writing today regarding the proposed Paramount Homes development off Second Street on your Thursday, June 6<sup>th</sup> Planning Meeting. This proposed project would permit development on county controlled land, in an area adjacent to Ward Creek; in close proximity to homes in the City of Hayward. A community meeting attended by more than 100 people was held in May to discuss potential impacts with this project.

I support a joint study by the County, the City and HARD to review environmental and related issues regarding development in the vicinity of Ward Creek including drainage, views, slide potential, fire access and noise.

William Ward
Councilmember

Cc: All members, Board of Supervisors

Jesús Armas, City Manager

Eric Willard, HARD

Clarles Plummer, Lancaster Court

Mike Sweeney & Maria Ochoa, Lancaster Court

Jerry and Myra Feiger, Lancaster Court

# RECEIVED

August 20, 2002

AUG 2 3 2002

Tim R. Koonze, Assistant Planner C/o City of Hayward Planning Division 777 B Street, Hayward, Ca. 94541 PLANNING DIVISION

Subject: Support for Elbert Request to Subdivide One Acre Parcel at 25273

Campus Drive, PM 7796

Dear Mr. Koonze:

I am writing this letter in support of the request by Larry Elbert to subdivide his one acre parcel at 25273 Campus Drive into two single family parcels, PM 7796. Mr. Elbert's proposal will upgrade the neighborhood and add to its ambiance.

My wife and I personally built our single family residence at 25199 Campus Drive over 25 years ago. We have followed the activity on the 25273 Campus Drive site since 1970 when my wife's family moved into 25163 Campus Drive. Our particular home is located across the church driveway from Mr. Elbert's property. We are one of two residential sites contiguous to the subject site. Approximately five years ago the single family home at 25273 Campus Drive was destroyed in a fire. Since that time the site has only contained a burned out home foundation. Generally the residents of that home kept various animals on the property, particularly horses.

Mr. Elbert is proposing to build two residences on parcels each containing approximately half an acre. Our particular single family residence sits on a sixth of an acre lot. Our home is part of a former one and a half acre subdivision cut into six parcels and comprising the Campus Drive addresses of 25101 through 25199. This demonstrates Mr. Elbert's two lots on half an acre each will be very well received in the neighborhood.

We support Mr. Elbert's request, PM 7796, to subdivide his one acre parcel into two single family parcels. His two home subdivision will be a nice addition to our neighborhood. Thank you for notifying us of this application and providing us with an opportunity to share our thoughts on this issue as neighbors of the project area.

If you have any questions concerning our comments please do not hesitate to contact us at (510) 581-8701. Thank you for the time and attention we know you will provide to this correspondence.

Sincerely yours,

Harry R. Bruno, Jr.

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Cc: Larry Elbert